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Date: February 11, 2004

To: Examiner Chattopadhyay

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**Message:**

In re Application

) PATENT APPLICATION

Inventor(s): Clifton A. Alferness et al.

) Art Unit: 3738

Application No.: 10/011,867

) Examiner: U. Chattopadhyay

Filed: December 5, 2001

Title: Anchor and Pull Mitral Valve Device and  
Method

Ref: 29912-705.201

Return Original to: Annette Palladino

Location: FH 1-2

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Document2 (656)

PTO/SB/30 (5/2000)

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U.S. Patent and Trademark office: U.S. DEPARTMENT OF COMMERCE

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address to: Mail Stop RCE Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	10/011,867
	<b>Filing Date</b>	December 5, 2001
	<b>First Named Inventor</b>	Alferness
	<b>Group Art Unit</b>	3738
	<b>Examiner Name</b>	Chattopadhyay
	<b>Attorney Docket Number</b>	29912.705.201

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. §1.114.**
  - a. ☐ Previously submitted. If a final office action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
    - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
    - ii. ☐ Other
  - b. ☒ Enclosed
    - i. ☐ Amendment/Reply
    - ii. ☐ Affidavit(s)/Declaration(s)
    - iii. ☒ Information Disclosure Statement (IDS)
    - iv. ☒ Other COMMUNICATION
2. **Miscellaneous**
  - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
  - b. ☐ Other
3. **Fees** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
  - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 23-2415 (Docket No.23-2415)
    - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
    - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - iii. ☐ Other
  - b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

<b>Name (Print/Type)</b>	James R. Shay	<b>Registration No. (Attorney/Agent)</b>	32,062
<b>Signature</b>	<i>James R. Shay</i>	<b>Date</b>	February 11, 2004

**CERTIFICATE OF FACSIMILE TRANSMISSION****FACSIMILE TELEPHONE: 703-872-9306 and 703-746-3318**

I hereby certify that this correspondence is being transmitted by facsimile under 37 C.F.R. 1.8 to Examiner U. Chattopadhyay fax number (703) 872-9306 and (703) 746-3318 to the U.S. Patent and Trademark Office, Washington, D.C. 20231 on: February 11, 2004

<b>Typed or printed name</b>	Annette Palladino
<b>Signature</b>	<i>Annette Palladino</i>
<b>Date</b>	February 11, 2004

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## PATENT

Attorney Docket No. 29912-705.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	)	<u>PATENT APPLICATION</u>
Inventor(s): Clifton A. Alferness et al.	)	
Application No.: 10/011,867	)	Art Unit: 3738
Filed: December 5, 2001	)	Examiner: U. Chattopadhyay
Title: Anchor and Pull Mitral Valve Device and Method	)	

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

This communication is to follow up with a telephone call to Examiner Chattopadhaya made on February 10, 2004 in reference to resubmitting an Information Disclosure Statement that was filed on February 6, 2004.

Applicants submitted a Request for Continued Examination on January 6, 2004. Applicants then filed a Supplemental Information Disclosure Statement on February 6, 2004. However, the Examiner subsequently mailed a Notice of Allowance on January 26, 2004. Therefore, due to the mailing of the Notice of Allowance the Examiner cannot consider the Information Disclosure Statement filed on February 6, 2004.

Applicants are therefore filing a new Request for Continued Examination with the previously submitted Information Disclosure Statement of February 6, 2004.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 29912.705.201).

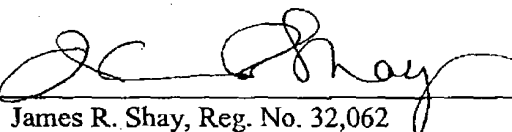
Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

WILSON SONSINI GOODRICH &amp; ROSATI

Dated: 11 February 2004

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By:   
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